

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16070 of 2004

Between:

Chakravarthy Goud, S/o. Narasimha,
R/o. Aurasimpally Village, Nagarkurnool Mandal,
Mahabubnagar District.

..... PETITIONER

AND

Superintendent, Prohibition & Excise, Mahabubnagar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly in the nature of writ of Mandamus to declare the action of the respondent in issuing the impugned proceedings vide Cr. No. B3/2589/04, dt. 13-7-2004 suspending the TFT license of the petitioner bearing No. 46 pending enquiry as arbitrary and illegal and consequently direct the respondent to continue the license of the petitioner bearing No. 46, dated 18-5-2002.

Counsel for the Petitioner :MR.V.HANUMANTH RAO

Counsel for the Respondent : GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner, and the learned Government Pleader appearing for the respondents.

Admittedly, the impugned order of suspension pending enquiry was passed on the basis of the inspection conducted in July, 2003.

This Court, having *prima facie* opined that the impugned order of suspension passed on 13.07.2004 on the basis of the inspection conducted an year ago is unwarranted, while directing notice to the respondents, by order dated 09-09-2004 granted interim suspension of the impugned order while leaving it open to the respondents to proceed with the enquiry.

Despite, service of notice, no counter-affidavit has been filed by the respondents so far.

The learned Counsel for the petitioner states that in response to the show-cause notice, the petitioner has already submitted his explanation. If that be so, it would be appropriate for the respondents to complete the enquiry expeditiously.

Accordingly, the impugned order is set aside and the Writ Petition is disposed of with a direction to the respondents to complete the enquiry and pass appropriate orders, after affording due opportunity to the petitioner, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

04-11-2004

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To

1. The Superintendent, Prohibition & Excise, Mahabubnagar.
2. Two C.Cs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad (OUT).
3. Two C.D. copies.